

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JAMES DULAK,

Plaintiff,

v.

Case No. 14-10193  
Honorable Denise Page Hood

CORIZON, INC., et al.

Defendants.

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**ORDER ACCEPTING AND ADOPTING THE OCTOBER 26, 2015  
REPORT AND RECOMMENDATION,  
ORDER GRANTING MOTION FOR SUMMARY JUDGMENT  
and  
ORDER DISMISSING ACTION WITH PREJUDICE**

This matter is before the Court on a Report and Recommendation (Doc. No. 126) filed by Magistrate Judge Michael J. Hluchaniuk. To date, no Objections have been filed by Plaintiff James Dulak and the time to file such has passed.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court “shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made.” 28 U.S.C. § 636(B)(1)(c). The Court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate.” *Id.* In order to preserve the right to appeal

the Magistrate Judge's recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

After review of the Report and Recommendation, the Court concludes that the Magistrate Judge's conclusion is correct as to the remaining claim of failure to provide proper shoe accommodation against Defendant Dr. Badawi Abdellatif. The Court agrees with the Magistrate Judge that Plaintiff has failed to establish an injury sufficiently serious in nature to constitute a violation of the Eighth Amendment. The Court further agrees with the Magistrate Judge that Plaintiff raised no genuine issue of material fact that Dr. Abdellatif was deliberately indifferent to Plaintiff's serious medical needs. Dr. Abdellatif's motion for summary judgment is granted and he is dismissed from this action with prejudice.

For the reasons set forth above,

IT IS ORDERED that Magistrate Judge Michael J. Hluchaniuk's Report and Recommendation (**No. 126**) is ACCEPTED AND ADOPTED as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendant Dr. Abdellatif's Motion for Summary Judgment (**No. 100**) is GRANTED. Dr. Abdellatif and the entire action are DISMISSED with prejudice.

S/Denise Page Hood

Denise Page Hood

Chief United States District Judge

Dated: February 29, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record or party on February 29, 2016, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager